

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

DEC - 6 2019

David J. Bradley, Clerk

United States of America )  
*Cantu* v. )  
 Herminia ~~CANTU~~<sup>AS</sup> Garcia, YOB 1976, US Citizen )  
 )  
 )  
 )  
 )

Case No. M-19-2995-M-01

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 4, 2019 in the county of Starr in the Southern District of Texas, the defendant(s) violated:

Code Section	Offense Description
21 USC 841	defendant did, knowingly and intentionally possess with the intent to import into the United States and distribute approximately 50.08 kilograms of crystal methamphetamine, a Schedule II controlled substance, and did knowingly and intentionally conspire to import and possess with intent to distribute with persons known and unknown approximately 50.08 kilograms of crystal methamphetamine, a Schedule II controlled substance
21 USC 846	
21 USC 952	
21 USC 963	

This criminal complaint is based on these facts:

Before the United States Magistrate Judge, Southern District of Texas, I, Special Agent Nathaniel Yates, United States Immigration and Customs Enforcement, being duly sworn, depose and say the following:

See Attachment A

Continued on the attached sheet.

*Approved by*  
*ZDJ*

*N. Y.*

Complainant's signature

Nathaniel Yates ICE/HSI Falcon Dam Special Agent  
Printed name and title

Sworn to before me and signed in my presence.

Date: 12/06/2019 8:24 am

*Peter E Ormsby*

Judge's signature

City and state: McAllen, Texas

Peter E Ormsby  
Printed name and title

Attachment A

On December 4, 2019, a grey Nissan Rogue arrived at the Roma Port of Entry (POE) and attempted to make entry into the United States from Mexico. A Customs and Border Protection Officer (CBPO) referred the vehicle for secondary inspection and requested Z-Portal imagery of the vehicle.

A CBPO scanned the vehicle, driven by Helen GARZA, in the Roma POE Z-Portal. On the Z-Portal imagery, the CBPO observed several anomalies in the vehicle's tires. CBPOs cut open a tire and found metal, aftermarket compartments inside the tire. CBPOs drilled into one of these compartments and, when they retracted the drillbit, observed that it was covered in white powder. CBPOs used a Gemini machine to conduct a field test of the powder substance. The result of the Gemini test was a positive for the presence of methamphetamine. CBPOs found two compartments in each of the four tires for a total of eight compartments. A contractor, specializing in removing hazardous material from compartments, was hired by CBP to remove the narcotics from the compartments. On December 5, 2019, the contractors removed the narcotics, which were contained in 24 separate bundles within the eight compartments. The total weight of the 24 bundles was 50.08 kilograms. On December 6, 2019, HSI Special Agents mailed a 2.13 kilogram sample to the DEA Laboratory for testing and analysis.

On December 4, 2019, U.S. Immigration and Customs Enforcement Special Agents assigned to Homeland Security Investigations, Office of the Resident Agent in Charge, Falcon Dam, Texas were contacted and responded to the Roma POE. Special Agents read the Miranda Rights advisement to GARZA. During the interview, GARZA admitted she knew there were narcotics in the vehicle and stated that CANTU-Garcia was also aware of the presence of the narcotics. GARZA said CANTU Garcia was coordinating the trafficking of the narcotics.

Special Agents also interviewed Herminia CANTU Garcia and read her the Miranda Rights Advisement. Special Agents obtained written and verbal consent to search CANTU Garcia's phones. On one of CANTU-Garcia's cellular phones, Special Agents located screenshots of a WhatsApp conversation between CANTU-Garcia and an unknown individual in which CANTU-Garcia was asked if she had the tools needed to remove tires from

her vehicle and was also encouraged to have a story prepared regarding the purpose of her visit to Mexico.

Special Agents contacted Assistant United States Attorney Kristina Pekkala and presented a summary of the investigation up to that point. Prosecution was accepted and both GARZA and CANTU Garcia were arrested.